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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2010-582

15 **JUNE MARIE FALLON**
16 **106 Los Palmos Drive**
San Francisco, CA 94127
Registered Nurse License No. 316731

A C C U S A T I O N

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing.

23 2. On or about July 31, 1980, the Board of Registered Nursing issued Registered Nurse
24 License Number 316731 to June Marie Fallon (Respondent). The Registered Nurse License was
25 in full force and effect at all times relevant to the charges brought here and will expire on
26 December 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Section 2761 of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct.

....

(f) Conviction of a felony or of any offense substantially related to qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

(b) Use alcoholic beverages to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public.

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1 (c) Be convicted of a criminal offense involving the consumption of any of the substances
2 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
3 conclusive evidence thereof.

4 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
5 revoke a license on the ground that the licensee has been convicted of a crime substantially
6 related to the qualifications, functions, or duties of the business or profession for which the
7 license was issued.

8 **COST RECOVERY**

9 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct/Use of Alcohol)**

15 10. Respondent has subjected her license to disciplinary action under section 2761(a) on
16 the grounds of unprofessional conduct as defined in 2762(b) in that on or about December 11,
17 2006, she drove a vehicle while having a blood alcohol content of .08% and more, by weight of
18 alcohol in her blood and collided with another vehicle after making an unsafe lane change. A
19 blood test revealed that respondent had a blood alcohol content of 0.23 %.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Conviction of a Crime)**

22 11. Respondent has subjected her license to disciplinary action under sections 2761(f)
23 and 490 in that on or about May 9, 2007, she was convicted by the court on her plea of no contest
24 of a violation of Vehicle Code section 23152(b) (driving while having .08% or higher, blood
25 alcohol content) in Contra Costa County Superior Court, Case Number 129159-0, entitled *People*
26 *v. June Marie Fallon*. The circumstances of the crime are set forth in paragraph 10, above.

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THIRD CAUSE FOR DISCIPLINE

(Offense Involving Alcohol Consumption)

12. Respondent has subjected her license to disciplinary action under section 2761(a) on the grounds of unprofessional conduct as defined in Code section 2762(c) by virtue of the conviction set forth in paragraph 10, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing, Department of Consumer Affairs, issue a decision:

1. Revoking or suspending Registered Nurse License Number 316731, issued to June Marie Fallon.

2. Ordering June Marie Fallon to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: _____

5/16/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant